

August 6, 2021

Ms. Linda Alexander
CLSI
439 East Main Street
Westminster, MD 21157

Re: Brown Property at 2805 Offutt Road (f.k.a. Stocktill Property)
Forest Buffer Variance
Tracking #04-21-3496

Dear Ms. Alexander:

A request for a variance from the Baltimore County Code, Article 33, Title 3, a Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law), was received by this Department of Environmental Protection and Sustainability (EPS) on July 8, 2021. If granted, the variance would allow a proposed dwelling addition to encroach approximately 2,350 square feet (sf) into the required 35-foot principle structure setback to the previously approved Forest Buffer Easement (FBE) on the subject property, also known as Lot 2 of the Stocktill Property Minor Subdivision. This would result in a reduction of the setback from 35 feet to 11 feet in the area of the proposed addition. No direct impact to the FBE is proposed.

The FBE is associated with a Use-III unnamed tributary to Mardella Branch. The FBE boundary was defined at the time of the 1995 minor subdivision of the property from the neighboring lot, for which a Forest Conservation Plan (FCP) was approved on November 21, 1995. The property owners are seeking to build an in-law addition on the existing dwelling. Site constraints resulting from the existing dwelling's proximity to the property line, zoning setback lines, and an existing well prevent the proposed addition from being built on a side of the dwelling that would avoid all impact to the FBE and/or its 35-foot setback.

This Department has reviewed your request and determined that a practical difficulty exists in avoiding impacts to the required 35-foot setback in order to build the proposed in-law suite addition. We further find that impacts to water quality that may result from granting this variance would be adequately minimized, as no wetlands, streams, forest will be directly impacted according to the variance request, nor will the FBE itself. Consequently, there would be minimal impact to the buffer or water quality as a result of granting this variance.

Therefore, we will grant this request in accordance with Section 33-3-106(a)(1) of the Baltimore County Code, with the following conditions:

1. The Forest Buffer Easement and Forest Conservation Easement shown on the approved minor subdivision plan must be recorded via the Exhibit A process with their appropriate Declaration of Protective Covenants. The complete Exhibit A package must be approved by EPS and the Bureau of Real Estate Compliance prior to issuance of any permit.
2. The limit of disturbance (LOD) for constructing the addition shall not extend into the FBE or FCE. To ensure that, high visibility orange safety fencing shall be manually installed along the project's LOD anywhere it comes within 50 feet of the FBE or FCE. This fence shall be inspected and approved by DEPS prior to issuance of any permit.
3. Prior to permit issuance, protective signage must be installed along the outer FBE or FCE boundary every 70 feet and at any turn along that boundary. Signs must be at least four (4) feet high and affixed to metal U-posts using two bolts. The posts must be embedded at least two feet in the ground. A list of local sign suppliers is enclosed.
4. The following notes must appear on all subsequent plans and exhibits or plats submitted for this property:
 - “A variance was granted on August 6, 2021, by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains to allow 2,350 square feet of encroachment in the 35-foot principle structure setback to the Forest Buffer Easement to build an addition on the existing dwelling. The setback to the Forest Buffer Easement shown hereon reflects the fact that this variance was granted and shall be no less than 11 feet. Conditions were placed on this variance to reduce impacts to water quality including posting of the buffer limit.”
 - “There shall be no clearing, grading, construction, or disturbance of vegetation in the Forest Buffer Easement or Forest Conservation Easement except as permitted by the Baltimore County Department of Environmental Protection and Sustainability.”
 - “Any Forest Buffer Easement or Forest Conservation Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas.”
5. The Forest Conservation and Forest Buffer Protection Plan submitted with the variance application must be revised to reflect the conditions of this variance and address forthcoming comments from EPS staff.
6. Any future change of land use of this property will negate this variance and require full compliance with the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

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It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout will require submittal of revised plans and a new variance request.

Please have the party responsible for meeting the conditions of this variance sign the statement below and return a signed copy of this entire letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Ms. Libby Errickson at (410) 887-3980.

Sincerely yours,

David V. Lykens
Director

DVL/lbe

Enclosure

c. (w/encl.) David and Kristen Brown, Owners

I/we agree to the above conditions to bring my/our property into compliance with Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Property Owners' Signatures

Date

Printed Names